

THE NIGHT EDITION

DIVER FARCE GOES OVER.

For Lack of Witnesses the Trial Is Adjourned to Next Friday.

LAWYER HALE'S DIFFICULTIES.

A Second Recess Taken to Enforce the Serving of Subpoenas.

COULDN'T FIND TEKULSKY.

Ex-Surrogate Rollins Promises to Produce Him at the Next Hearing.

The farcical trial of Police Justice Diver was continued in the Court of Common Pleas this morning.

At 10:35 the court was called to order, and at once Lawyer Hale arose.

"I have no funds, if the Court please," he said, "to carry on this case, and I ask the Court to direct the District Attorney to serve the subpoenas. I served the attachment on the Sheriff at 9:10 this morning, calling for the body of one of our witnesses, Terence Kenny (Tekulsky's bartender), but the Sheriff wanted \$47.50 before doing anything."

"Oh, I'll pay the \$47.50," cried Ex-Surrogate Rollins, "and let this farce go on."

This staggered Lawyer Hale, and in the midst of it Terence Kenny called out that he was in court, which caused laughter.

Lawyer Hale then told about his futile attempt to serve Tekulsky, and called the latter's bartender, Edward Burroughs, who was present in the saloon last evening. He questioned Burroughs, but the latter evaded telling where Tekulsky was, or, in fact, anything about him.

was waiting for them, witnesses would be called for the defense.

Up to this time there was no sign of either Morris Tekulsky or Henry J. Campbell putting in an appearance.

"What?" almost roared Lawyer Levy. "You say you represent the people. Now, honestly, who do you represent?"

"I am Mr. Tekulsky now in court?" asked Justice Daly.

The judges waited until 9 o'clock, and as no witness had appeared up to that time the case was adjourned until Friday afternoon, at 4 o'clock.

Justice Daly wanted to go over for a week, as he was unable to stand that he would have the meaning of the word "witness" explained to him at the next hearing. He also fought hard against an adjournment.

MRS. HARRISON'S SANITY.

A Sheriff's Jury Listened to the Octogenarian's Views.

FAVORITES BEATEN.

First Choices Fail to Land in the First Three Events.

Lakeview, Ontario and Eclipse Returned the Winners.

Increased Patronage at the Racing at Alexander.

(Special to The Evening World.)

RACE TRACK, ALEXANDER ISLAND, Dec. 19.—The weather was fine, the track good, the crowd large and the betting lively at Alexander Island today.

Sixteen bookmakers weighed in, the fields being large and well matched, with but few scratches.

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RESULTS AT ROBY.

RACE TRACK, ROBY, Ind., DEC. 19.—The races on this track today resulted as follows:

First Race—Four and one-half furlongs. (Selling.)

Second Race—Six and one-half furlongs. (Selling.)

Third Race—Four and one-half furlongs. (Selling.)

Fourth Race—Five furlongs. (Selling.)

Fifth Race—Six furlongs. (Selling.)

Sixth Race—Seven furlongs. (Selling.)

Seventh Race—Eight furlongs. (Selling.)

Eighth Race—Nine furlongs. (Selling.)

Ninth Race—Ten furlongs. (Selling.)

Tenth Race—Eleven furlongs. (Selling.)

Eleventh Race—Twelve furlongs. (Selling.)

Twelfth Race—Thirteen furlongs. (Selling.)

Thirteenth Race—Fourteen furlongs. (Selling.)

Fourteenth Race—Fifteen furlongs. (Selling.)

Fifteenth Race—Sixteen furlongs. (Selling.)

Sixteenth Race—Seventeen furlongs. (Selling.)

Seventeenth Race—Eighteen furlongs. (Selling.)

NIGHT EDITION.

ALLAIRE'S FLAT DENIAL.

The Captain Permitted to Go After a Long and Fruitless Examination.

NEVER HEARD OF BLACKMAIL.

Testimony of Yesterday's Witnesses Contradicted—Byrnes Accused of Bulldozing.

Police Capt. Allaire, who has been accused of receiving blackmail money, was placed on the witness stand before the Lexow Committee this afternoon.

He began his statement by saying he was made roundsman four days after his appointment, and four days later was made Sergeant.

Mr. Goff paid particular attention to Capt. Allaire's real estate investments. He owns a house at present worth \$27,000, he said, and has about \$4,000 in the bank.

When questioned about the collection of money paid for protection, the Captain flatly denied all knowledge of such proceedings. In fact, he said, he did not know that such money was collected, save from rumors which he had heard since he has been on the force.

When Mr. Goff touched on the subject of the police of the Steamboat squad being compelled to give up half of their extra pay, Capt. Allaire, as in other cases, denied that it was so.

His entire testimony was simply a flat repudiation of all the charges made against him by other witnesses.

Ex-Inspector Steers, who has been accused of receiving blackmail money, appeared in the Committee's room. He had not been subpoenaed, but was willing, he said, to go on the stand to testify.

John Marrett, a former agent of the Society for the Prevention of Crime, testified today that Supt. Byrnes had compelled him, by threats, to tell all he knew about the Gardner case.

Gardner, who was Superintendent of the Society, was accused and convicted of having extorted money from Lillie Clifton, for protection from arrest.

Marrett said he had never complained of having extorted money from Lillie Clifton, for protection from arrest.

He would be arrested on a manufactured charge, which, he said, was the case with Gardner.

Three Inspectors Subpoenaed.

Inspectors Williams, McAvoy and McLaughlin were subpoenaed to testify today. Williams was the only one to appear and after a consultation he was excused for the day.

Serg. Taylor, who testified yesterday that he gave the money collected from policemen to Inspector Steers, was recalled to the stand. He denied the statements made by the ex-inspector to the effect that he made the allegations through spite.

Another day of sensational disclosures in the Senate police investigation was promised this morning, and there were abundant indications that Mr. Goff intended to bring the line of investigation which he so successfully began yesterday, implicating the higher-up officials

and there was evidently a serious matter under discussion.

It was then after 11:30, and every one in the crowded room was on tiptoe with expectation.

The Committee is ready as soon as you are, Mr. Goff," said the chairman, a quarter of an hour from noon. Senators O'Connor and Pound had meanwhile joined the Committee.

Williams testified.

"In a moment," replied the chief counsel, and at the same time one of the attendants of the Committee went over and whispered to Inspector Williams. He nodded, and then picked up his overcoat and hat, shook hands with several of the captains seated about him and walked out of the room. It was understood that he was excused for the day at least.

Mr. Goff's moment was lengthened out to and taken a quarter of an hour. He and Mr. Jerome had another confab with the Penators, and the delay, only served to arouse interest to a higher pitch. Father Ducey came in during the interval and took his accustomed place.

It was just noon when Mr. Goff opened his eyes. He was sitting at the desk of Dr. Owen J. Ward, who was appointed last night to consult with Dr. Wright in relation to the condition of Mr. Martin.

Says Martin is a Very Sick Man.

Dr. Ward said he had practiced twenty-nine years, and was connected with Gouverneur Hospital as visiting surgeon. He had visited Martin, he said last evening, with Dr. Wright.

"I saw Martin in bed, and after a careful examination found him completely paralyzed on the left side."

"He also seemed to be suffering from a species of anæsthesia of the brain, and could not collect his thoughts. I talked with him for sometime and concluded that any statement he might make would not be very reliable."

Q. Did you feel certain that he was not simulating a condition of anæsthesia? A. Yes, he could not deceive me.

The witness said that while Martin's physical condition would not preclude an examination under oath, his mental condition was such that no reliance could be placed upon his statements. His memory was affected very seriously.

Dr. Ward said that the day after yesterday he would undergo a further examination such as he made yesterday, but a cross-examination by counsel would undoubtedly be injurious. His disease appeared to be a progressive anæsthesia, the result of a sudden attack of paralysis.

The Committee thought it would be as well not to ask him any more questions.

Called for Capt. Delaney.

Mr. Goff then called two or three times for Capt. Delaney, who at last made his way to the front through the crowd from the committee room.

Mr. Goff, before putting him on the stand, called attention to the fact that the witness was a member of the Twenty-ninth Precinct, who had been retired on a pension, was now called to the stand to give testimony.

Intermarriage Again on the Rack.

The first witness to take the stand

Inspector Williams appeared.

The first incident of the day to attract attention was the arrival of Inspector Alexander S. Williams in the full uniform of his rank. He showed a subpoena to the doorkeeper, Officer Smith, who respectfully allowed his superior to pass.

The Inspector showed no signs of anxiety or nervousness, but quietly went over into the corner, and drawing out a newspaper from his pocket put on his eyeglasses and began to read industriously.

NIGHT EDITION.

SCHMITTBERGER ARRESTED.

The Captain Taken Into Custody and Bail to Be Fixed at \$20,000.

HE WAS ABOUT TO RUN AWAY.

Capt. Max Schmittberger was again put under arrest late this afternoon.

The reason for the arrest is the fact that Capt. Schmittberger would not stay this evening.

Mr. Goff sent word to the District Attorney's office of the intended flight. His bail will be increased very considerably, and it will be hard for him to secure a bondsman to-night.

Herman Delrich was notified and came downtown with the view of going on Schmittberger's bond.

Capt. Schmittberger surrendered to Supt. Byrnes at 5 o'clock this afternoon in the presence of Assistant District Attorney Vernon M. Day.

He left Headquarters immediately, in company with the latter, to appear before the District Attorney to have his bail fixed.

Schmittberger's bail, it was said at the District Attorney's office, would be \$20,000.

Schmittberger will be arraigned before Justice Ingraham in the Court of Criminal Term.

CAPTAINS TO THE BAR.

Ex-Ward Man Smith Skips Out and His Bond Forfeited.

In Judge Martine's room, Part I of the Court of Sessions, this afternoon, police captains, sergeants and wardmen were in evidence. They were there to have a day set for their trials.

At 1:10 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:15 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:20 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:25 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:30 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:35 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.

At 1:40 o'clock Capt. Schmittberger was called. District Attorney Fellows asked that Schmittberger's trial be set for the first Monday in January.